

**STATE ADVISORY PANEL ON SPECIAL EDUCATION
FOR THE DISTRICT OF COLUMBIA**

BYLAWS AND OPERATING PROCEDURES

ARTICLE I – AUTHORITY

The State Advisory Panel on Special Education for the District of Columbia exists under the authority of the Mayor of the District of Columbia by section 422(2) of the District of Columbia Home Rule Act, as amended, approved December 24, 1973, 87 Stat. 790, Pub. L. No. 93-198, D.C. Official Code § 1-204.22(2) (2001), and pursuant to the Individuals with Disabilities Education Act (IDEA), approved April 13, 1970, 84 Stat. 175, 20 U.S.C. § 1400 et seq., as amended.

ARTICLE II – PURPOSE

The State Advisory Panel on Special Education for the District of Columbia shall serve as an advisory body to the Mayor, Department of Education, and District of Columbia Office of the State Superintendent, as the State Education Agency, on matters pertaining to the education of children and youth with disabilities served by public and private agencies of the District of Columbia.

ARTICLE III – DUTIES

The duties of the Advisory Panel shall include:

- a. Advising on unmet needs within the District of Columbia in the education of children with disabilities;
- b. Reviewing and commenting publicly on any legislation, rules or regulations proposed in the District of Columbia on the education of children with disabilities;
- c. Advising on developing evaluations and reporting on data to the United States Department of Education (Secretary) in the implementation of IDEA (under section 618 of the Act)
- d. Providing advice in developing corrective action plans to address findings identified in federal monitoring reports under Part B of IDEA;
- e. Advising on the development and implementation of proposed legislation, rules, regulations, policies and procedures relating to the coordination of services for children with disabilities, including advising on eligible students with disabilities in adult prisons;
- f. Advising on the education of eligible students with disabilities who have been convicted as adults and incarcerated in adult prisons, even if, consistent with Sec. 300.607, CFR, the District assigns general supervision responsibility for those students to a public agency other than an SEA.
- g. Providing advice on systemic and other issues affecting the coordination and delivery of special education and related services to children and youth with disabilities.
- h. Reviewing and commenting publicly on the State Annual Program Plan;
- i. Undertake any other duties as may be assigned by the Mayor, the State Superintendent of Education, or as required by federal law.
- j. Preparing an annual report of its activities and recommendations on or by July 1 of each calendar year, and submitting it to the Mayor, the District of Columbia Department of Education, the Office of the State Superintendent of Education, as the State Education Agency, and the public, or as required by federal law; and
- k. Provide opportunities for public input through scheduled public hearings. Public comment may be made in person or through written comments via United States mail, electronic transmittal, facsimile, etc.

ARTICLE IV – PANEL MEMBERSHIP

Section 1. Composition:

The Advisory Panel shall consist of at least twenty-one (21) voting members who are appointed by the Mayor. This number does not include ex-officio members and does not preclude the establishment of ad hoc committees. Each member appointed to the Panel shall have demonstrated interest in issues affecting special education, or the coordination and delivery of special education and related services to children and youth with disabilities. Additionally, a majority of the members appointed shall be individuals with disabilities, or parents of children and youth with disabilities.

The members appointed by the Mayor to the panel shall include, but not be limited to:

- a. Parents, or guardians, of children with disabilities (ages birth through 26) who reside in the District of Columbia;
- b. Individuals with disabilities who reside in the District of Columbia;
- c. Teachers who reside in the District of Columbia;
- d. Representatives of institutions of higher education that prepare special education and related services personnel;
- e. District of Columbia education officials; including officials who carry out activities under subtitle B of title VII of the McKinney-Vento Homeless Assistance Act, (42 U.S.C 11431 *et seq.*)
- f. Administrators of programs for children with disabilities;
- g. Representatives of District of Columbia government agencies involved with financing or delivery of services to persons with disabilities;
- h. Representatives of public, public charter and private schools;
- i. Not less than one representatives of a vocational, community or business, organization in the District of Columbia concerned with the provision of transition services to children with disabilities;
- j. A representative from the state child welfare agency responsible for foster care;
- k. Representatives of District of Columbia juvenile and adult corrections agencies
- l. The State Special Education Director or his /her designee will serve as an ex-officio member of the panel.

Section 2. Selection:

Membership of this Panel shall be selected through the screening and nominations procedures set forth by the District of Columbia, Office of Boards and Commissions as governed by District law.

Section 3. Terms of Office:

The policy for terms of office for Panel members shall be consistent with the Mayor's Order establishing the Panel as follows:

- a. The Mayor shall appoint non-governmental members of the Advisory Panel to one (1) year or two (2) year terms.
- b. On the initial appointment of the Advisory Panel, one-half of the non-governmental members shall be appointed to two (2) year terms.

- c. A person may be appointed as a member of the Advisory Panel to fill the unexpired term of a member who resigns, or vacates the position for which the member is initially appointed, or whenever a vacancy occurs, among the initially appointed members of the Advisory Panel.
- d. The government members appointed shall serve at the pleasure of the Mayor.
- e. A member may continue to serve in an expired term until a replacement is appointed.

Section 4. Membership Nomination Process:

Nominations for Panel membership may be submitted by interested parties in the District of Columbia. Information about a membership nomination form shall be made available from the District of Columbia, Office of Boards and Commissions, as well as from the State Advisory Panel for Special Education, through the District of Columbia Office of the State Superintendent of Education.

Section 5. Orientation:

The Panel Chairperson and/or representatives from the Office of the State Superintendent of Education will conduct an orientation program for all new Panel members. New members of the Panel will be provided a notebook containing documents which are to serve as a resource to each member in carrying out its activities.

Section 6. Panel Member Attendance at Meetings:

Members are expected to attend regularly scheduled meetings of the Advisory Panel and participate on committees.

Panel members are to notify the Office of the State Superintendent of Education by phone, electronic transmittal, or United States mail as to whether or not they will be attending each meeting. Panel members who are unable to attend a regular meeting may send a substitute. However, such substitute shall represent the same constituency as the panel member they are representing. Representatives of government agencies that serve on the Panel who are unable to attend a regular meeting may also send a substitute. However, substitutes will not be permitted voting privileges.

Panel members should bring to meetings any materials sent by the Office of the State Superintendent of Education that will be necessary to carry out Panel or committee activities. The chairperson may request a review by the Executive Committee of a Panel member's continued absence from Panel meetings and will contact any member absent from two (2) consecutive meetings to inquire as whether or not the member's current commitments make it possible for the member to continue active membership on the Panel.

The Office of the State Superintendent of Education representative will send a packet of information distributed at the meeting to all members not in attendance within one week following the Panel meeting.

Section 7. Ex-Officio Members:

Additional Ex-Officio members may be represented on the Panel as appointed by the Mayor.

Section 8. Ad Hoc Members:

Ad Hoc members shall be appointed at the discretion of the Panel and their appointments shall be reviewed at the first meeting of the calendar year. However, ad hoc members shall not be entitled to

reimbursement for services or reasonable expenses, unless approved by the Mayor, or his designee.

ARTICLE V – MEETINGS, ORGANIZATIONAL STRUCTURE AND ADMINISTRATION

Section 1. Regular Meetings:

The Advisory Panel shall establish a quarterly meeting schedule, and shall:

- a. Convene at least four (4) regular meetings each year between July 1 and June 30.
- b. Publicly announce all regularly scheduled meetings on the website prior to the meeting, along with meeting agenda.
- c. Make open to the public all regularly scheduled meetings
- d. Make accommodations, including interpreters and other necessary services, available for panel members, participants or persons with disabilities upon request.
- e. Provide and maintain written minutes of regularly scheduled meetings, as well as audio recordings of all of its public meetings.
- f. Manage a prudent Management Information System whereby all records shall be maintained in space designated and provided by the Office of the State Superintendent of Education. Panel information, including meeting minutes and official actions taken shall be made available on the OSSE website.

Section 2. Special Meetings:

A special meeting of the Panel may be called by the Chairperson with the approval of the Executive Committee. The Panel Chairperson shall ensure that notice shall be provided by mail or phone to the membership at least one week prior to special meetings.

Section 3. Panel Decisions:

Advisory Panel decisions shall be determined by consensus, that is a decision each person can live with; can agree not to sabotage; and has had an opportunity to voice an opinion. If the Panel is unable to reach consensus on a given issue, the decision shall be made by a majority of its members in attendance, provided a quorum is present.

Each member of the Panel shall possess one vote excepting ex-officio and ad hoc members, who shall be non-voting. If a member is absent, that member may provide a written proxy to the Chairperson. However, a member may not transfer his/her voting privilege to another person. The presiding officer shall have a vote only in order to break a tie.

In the event there is a need to transact specific panel business for which a physical meeting is impractical, the Chairperson may call for a vote by mail, electronic transmittal, or telephone.

Section 4. Conflicts of Interest:

A Panel member shall disclose when he, or she, or a member of his/her family stands to gain financially from a decision of, or advice given by, the Panel. The Panel shall take any appropriate action necessary to address conflicts of interest in order to ensure the integrity of the panel's work.

Section 5. Quorum:

A quorum of the Advisory Panel shall be the fifty percent (50%) plus one (+1) of the currently serving voting members. A quorum must be present for regular or specially called meetings for the transaction of business.

Section 6. Notice of Meetings:

The Panel Chairperson shall, through the assigned representatives of the Office of the State Superintendent of Education, ensure that written notices are mailed to each member of the Panel at least seven (7) days prior to the date of each regular meeting. A copy of the agenda for the meeting will also be enclosed. The Panel Chairperson shall ensure, to the extent possible, that written notices of special meetings are mailed to each Panel member at least seven (7) days prior to the date of the meeting. An agenda for calling the special meeting will also be enclosed.

ARTICLE VI – OFFICERS

Section 1. Chairperson:

The Mayor shall designate one member of the Advisory Panel to serve as Chairperson, who shall serve in that capacity at the pleasure of the Mayor. The Chairperson shall be a parent of a child who receives special education services or an individual who is or has been a consumer of special education services. The Chairperson shall set the agenda, for, and chair regular meetings of the Panel and the Executive Committee. The Chairperson shall appoint all standing and special committees, subject to the approval of the Executive Committee, and shall be ex-officio member of all committees. The Chairperson, or such alternate as he/she may designate, shall represent the Panel at meetings or functions where Panel representation is desired or required. The Chairperson shall serve as liaison between the Panel and the Office of the State Superintendent of Education.

Section 2. Vice Chairperson(s):

The Mayor shall designate up to two members of the Panel to serve as Vice Chairpersons, who shall serve in those capacities at the pleasure of the Mayor. Vice Chairpersons shall assist the Chairperson in his/her duties and activities of the Panel and shall serve as a member of the Executive Committee. In the absence of the Chairperson, a Vice Chairperson shall chair the meeting.

Section 3. Secretary:

The Panel may elect a Secretary, who shall support the staff from the Office of the State Superintendent of Education when necessary to assure that accurate minutes of all meetings are recorded. The secretary shall serve as Chairperson in the absence of the Chairperson and Vice Chairperson(s). The secretary shall work with the staff of the OSSE to ensure the preparation of minutes, attendance, or other correspondence in regard to matters as delegated by the Chairperson and shall present, for amendment and approval, the minutes regularly scheduled meetings.

Section 4. Immediate Past Chairperson:

The Immediate Past Chairperson, should they continue to serve on the Panel after their service as chair, shall serve on the Executive Committee. His/Her duties will be primarily advisory in nature.

The Immediate Past Chairperson may serve as an ex-officio member of the Panel, with approval of the Mayor, in the event that his/her term on the Panel has expired and/or he/she has not been reappointed.

Section 5. Term of Office:

The term of office for all Panel officers shall be at the pleasure of the Mayor, except for Secretary which term shall be for one year (from July 1 to June 31 of that calendar year).

ARTICLE VII – COMMITTEES

Section 1. Executive Committee:

The Executive Committee shall be composed of the officers of the Panel, the immediate past Chairperson, and the Chairpersons of Panel Subcommittees.

The Executive Committee shall meet prior to all business meetings of the Panel and at other times as deemed necessary. It shall act as an advisor to the Chairperson and approve appointment of subcommittees and special committees. It shall have general supervision and conduct the affairs of the Panel between meetings of the Panel. The Executive Committee shall report at each meeting of the Panel on the actions it has taken between meetings.

Section 2. Subcommittees:

The Advisory Panel may establish subcommittees. Assignments to Subcommittees shall be determined annually and, to the greatest extent feasible, will be based on member preference and committee needs as recommended by the Chairperson. Each Panel member shall serve on a standing committee. Subcommittees may also include persons who are not members of the Advisory Panel, provided that each subcommittee is chaired by a member of the Advisory Panel.

Section 3. Other Committees:

The Panel Chairperson may appoint special committees to conduct the business of the Panel as needed.

Section 4. Administration

The Office of the State Superintendent of Education shall provide administrative, technical support and coordination assistance, including designated office space, to the Advisory Panel as needed and as determined by the State Superintendent of Education, and as supported by the budget appropriation and authority.

The Advisory Panel, through the Office of the State Superintendent of Education, and in accordance with applicable District laws, rules and procedures, may accept resources provided from the public or private organization to execute and coordinate the activities and functions of the Advisory Panel

The Advisory Panel may utilize District public space to sponsor, or hold, meetings in accordance with District law and regulations.

Section 5. Compensation

Members of the Advisory Panel shall serve without compensation, except that a member may be reimbursed for expenses incurred in authorized execution of official Advisory Panel duties, if authorized in advance by the State Superintendent of Education, or designee, and as supported by budget appropriation and authority.

ARTICLE VIII – MISCELLANEOUS PROVISIONS

Section 1. Review and Amendments of Bylaws:

These Bylaws and procedures may be amended by a majority of the Panel members provided that at least seven days notice of an amendment is circulated to the members. The seven days notice period may be waived by unanimous consent of the members.

These Bylaws shall become operative immediately after their adoption by the Panel and review and approval of the Office of Boards and Commissions and the Office of the State Superintendent of Education.

Section 2. Parliamentary Procedure:

The latest unabridged edition of *Robert's Rules of Order* shall be the parliamentary guide for the Panel.

Section 3. Annual Report:

The Panel shall prepare and submit to the Mayor, the District of Columbia Department of Education, the Office of the State Superintendent, other appropriate District government agencies, and the public, an Annual Report of its activities and recommendations by July 1 of each calendar year. The report must include:

- (1) A description of the Panel's activities.
- (2) Recommendations formulated through identification and study of issues vital to special education in the District.
- (3) Advise the Office of the State Superintendent of Education of unmet needs within the State in the education of children with disabilities.
- (4) A copy of the Panel minutes will be on file with the Office of the State Superintendent of Education.